

10/15/07

L-317-07 vaz

ORDINANCE NO. 317-07

BY: **SCOTT M. TUMA**

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR IMPROVEMENTS TO DAVID AVENUE, GREEN VALLEY DRIVE, HOWARD STREET, ORCHARDVIEW AVENUE, ROBERT STREET AND HILLCREST LANE IN THE CITY OF PARMA, CONSISTING OF THE CONSTRUCTION OF SANITARY SEWERS TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

WHEREAS, Resolution No. 185-06, adopted by this Council on June 5, 2006, declared it necessary to improve David Avenue, Green Valley Drive, Howard Street, Orchardview Avenue, Robert Street, and Hillcrest Lane by constructing sanitary sewers, together with all appurtenances necessary and proper therefore and to assess a portion of the cost of said improvement to the lots and lands identified on Exhibit A of said Resolution; and,

WHEREAS, Ordinance No. 17-07, passed by this Council on February 5, 2007, determined to proceed with the improvement and adopted and approved the estimated special assessments previously prepared and filed in the Office of the Clerk of Council; and,

WHEREAS, the actual cost of the improvement has been ascertained, and the estimated special assessments have been adjusted as a result thereof and in accordance with applicable law;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. The special assessments for the cost and expense of improving David Avenue, Green Valley Drive, Howard Street, Orchardview Avenue, Robert Street, and Hillcrest Lane, by constructing sanitary sewers, together with all appurtenances necessary and proper therefor, in the City of Parma, Ohio, as reported to this Council and filed with the Clerk of Council, and aggregating \$465,438.01, are hereby adopted and confirmed. Those special assessments are hereby levied and assessed upon the lots and lands enumerated in the estimated special assessment adopted by said Ordinance No. 17-07, in the respective amounts set forth in the schedule of special assessments on file with the Clerk of Council, which special assessments are levied in accordance with Resolution No. 185-06 by the front foot of the property assessed. The assessments do not exceed any statutory limitation.

Section 2. The special assessment against each lot or parcel of land shall be payable in twenty (20) annual installments with interest at the same rate as the bonds issued in anticipation of the collection of the assessments; provided that the owner of any property assessed may pay the special assessment in cash within thirty (30) days after the passage of this Ordinance. All cash payments shall be made to the Clerk of Council of this City. All special assessments remaining unpaid at the expiration of that thirty (30) days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as other taxes are collected.

Pg. 2 of L-317-07 Ord. levying special assessments for improvements to David Avenue,

Green Valley Drive, Howard Street, Orchardview Avenue, Robert Street and Hillcrest Lane in the City of Parma, consisting of the construction of sanitary sewers together with all necessary appurtenances thereto, and declaring an emergency

Section 3. The Clerk of Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in this City and shall keep on file in the office of the Clerk of Council the special assessments.

Section 4. The Clerk of Council shall deliver a certified copy of this Ordinance to the County auditor within twenty (20) days after its passage.

Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this Ordinance must be effective immediately so that the assessments herein levied, after the expiration of the cash payment period, can be certified to the County Auditor for collection and thereby assure the availability of revenues to pay the debt service on the bonds to be issued in anticipation of the collection of the assessments, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL

FILED WITH
THE MAYOR: _____
MAYOR, CITY OF PARMA, OHIO